



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Thomas H. LEE et al.

Title: MONOLITHIC THREE DIMENSIONAL ARRAY OF CHARGE STORAGE  
DEVICES CONTAINING A PLANARIZED SURFACE

Appl. No.: 09/927,648

Filing Date: 08/13/2001

Examiner: Howard Weiss

Art Unit: 2814

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Mail Stop 313(c)  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

**RELEVANCE OF EACH DOCUMENT**

U.S. Patent 5,889,302 ("the '302 patent") was cited by the USPTO in an Office Action dated May 18, 2004 in application serial number 10/270,127, which application is commonly assigned with the present application. U.S. Patent 5,936,280 ("the '280 patent") is cited on the face of the '302 patent as application 08/837,557. Both the '302 patent and the '280 patent teach non-monolithic three dimensional arrays of devices. Both the '302 patent and the '280 patent state that the upper device level 11 is made on a different substrate from the lower device level 10. The upper device level 11 is then adhered to the lower device level

10. See col. 6, line 58 to col. 7, line 9 of the '302 patent and col. 7, lines 32-58 of the '280 patent. Thus, the arrays of the '302 and '280 patents are not monolithic.

In contrast, the pending independent claims of the present application recite a monolithic three dimensional array of devices. As noted in paragraph 3 of the Notice of Allowability, the term "monolithic" is defined in the present specification (page 19, lines 10 to 12) to mean that layers of each level of the array were directly deposited on the layers of each underlying level of the array.

### **TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits after the filing of the RCE.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

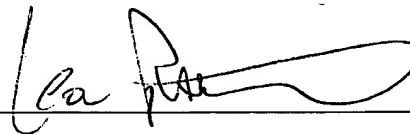
The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date

6/29/04

By

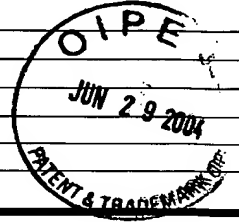


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Substitute for form 1449B/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  Date Submitted: June 29, 2004 <i>(use as many sheets as necessary)</i>				<b>Complete if Known</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Application Number</td> <td>09/927,648</td> </tr> <tr> <td>Filing Date</td> <td>08/13/2001</td> </tr> <tr> <td>First Named Inventor</td> <td>Thomas H. Lee</td> </tr> <tr> <td>Group Art Unit</td> <td>2814</td> </tr> <tr> <td>Examiner Name</td> <td>Howard Weiss</td> </tr> <tr> <td>Attorney Docket Number</td> <td>035905-0104</td> </tr> </table>		Application Number	09/927,648	Filing Date	08/13/2001	First Named Inventor	Thomas H. Lee	Group Art Unit	2814	Examiner Name	Howard Weiss	Attorney Docket Number	035905-0104
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Sheet	1	of	1														



U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
	A1	5,889,302		Liu	3/30/99	
	A2	5,936,280		Liu	8/10/99	

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

<sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.